

## REMARKS

Claims 1-34 are pending in the present application. Entry of this Response and reconsideration and further examination of the application in view of the following remarks is hereby requested.

### Rejection under 35 U.S.C. §102(e)

The Office Action rejected Claims 1, 3-5, 10, 13, 14, 17, 22-24, 26, 31 and 34 under 35 U.S.C §102(e) as being anticipated by *Puhl, et al.*, US Patent No. 6,223,291. Applicants traverse this rejection and request reconsideration thereof.

### Claim 1

The Office Action rejected Claim 1 stating that *Puhl, et al.*, discloses a system for controlling software on one or more wireless devices, including *inter alia*, "each software application requiring a license for each execution of the software application." Applicants respectfully traverse this ground of rejection and submit that *Puhl, et al.*, does not disclose or suggest this element.

Claim 1 recites the element of "each software application requiring a license for each execution of the software application," and "upon the attempted execution of a software application, the wireless device determining if a license is present to execute the software application." Claim 1 therefore concerns software applications that require a license for each execution, or use of the program, as opposed to a general license to download, own and use the program. See, e.g. Specification, Paragraphs 29, 30 and 32.

Conversely, *Puhl, et al.*, discloses a "Licensing Certificate" that is "obtained from along with the software product itself" (Col. 6, Lines 19-20) or "is made available to the phone to download." (Col. 6, Lines 32-33). The Licensing Certificate of *Puhl, et al.*, is examined at the start up of the phone: "the phone's boot software validates (step 135) all of its License Certificates...if [the License Certificate and the serial number of the phone] match then the phone is allowed to operate the software products identified in the License Certificate." Col. 6, Lines 5-11. Consequently, in *Puhl, et al.*, the License Certificate is only checked at the start up of the wireless device to enable any resident software, and is not rechecked at each software application execution.

Moreover, the passage cited in the Office Action regarding enabling new software (Col. 7, Lines 45-61) concerns the user being "able to use a new Web Browser." No mention is made of the Web Browser, or any other software needing a license for each execution as claimed in Claim 1. Consequently, as the License Certificate is only a general license, it would not be necessary in *Puhl, et al.*, to check for a license at each application execution because the software license was verified at device start-up.

To anticipate the claims, *Puhl, et al.*, must teach every element of the rejected claims. MPEP ¶2131. Nowhere does *Puhl, et al.*, disclose, suggest, or discuss the concept of a license required for each software application execution or the checking of the license at each execution of the application, and the Office Action has not otherwise shown these elements to be present in *Puhl, et al.* Accordingly, *Puhl, et al.*, does not disclose at least these elements and cannot anticipate Claim 1. Applicants request that this rejection be withdrawn and Claim 1 allowed.

### Claim 3

The Office Action rejected Claim 3 incorporating the rejection articulated for Claim 1, and stated that *Puhl, et al.*, further discloses that the application managing server also selectively downloading software applications and the requisite license for the software applications to the wireless devices over the network. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* As argued above with respect to the patentability of independent Claim 1 from which Claims 3 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application, and accordingly cannot anticipate Claim 3.

### Claim 4

The Office Action rejected Claim 4 incorporating the rejection articulated for Claim 1, and stated that *Puhl, et al.*, further discloses that the application managing server stores the license for execution of a specific software application on a specific wireless device and upon an attempted execution of a software application on a wireless device, the wireless device selectively prompting the application managing server for transmission of a copy of the license. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*

As argued above with respect to the patentability of independent Claim 1 from which Claims 4 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the cited passage of *Puhl, et al.*, Col. 7, Lines 1-

11, does not show these absent elements, but rather shows the wireless device requesting new License Certificates for new software, which are not disclosed or suggested to be per-execution licenses. Therefore, *Puhl, et al.*, does not teach all elements of Claim 4, and thus cannot anticipate Claim 4.

#### Claim 5

The Office Action rejected Claim 5 incorporating the rejection articulated for Claim 1, and stated that *Puhl, et al.*, further discloses that the wireless device stores the license for execution of a specific software application on the wireless device. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*

As argued above with respect to the patentability of independent Claim 1 from which Claims 5 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the cited passage of *Puhl, et al.*, Col. 6, Lines 17-39, does not show these absent elements, but rather shows the wireless device receiving new rights to access a "new Web Browser", which are not disclosed or suggested to be per-execution licenses. Therefore, *Puhl, et al.*, does not teach all elements of Claim 4, and thus cannot anticipate Claim 4.

#### Claim 10

The Office Action rejected Claim 10 incorporating the rejection articulated for Claim 1, and stated that *Puhl, et al.*, further discloses that the wireless device is a cellular telephone. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* As argued above with respect to the

patentability of independent Claim 1 from which Claim 10 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application, and accordingly cannot anticipate Claim 10.

#### Claim 13

The Office Action rejected independent Claim 13 stating that *Puhl, et al.*, disclosed all claim limitations and cited several portions thereof in support. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*

Firstly, the Office Action must clearly explain the pertinence of the reference and the specific part of the reference relied upon to reject the claim. 37 C.F.R. §1.104 (c)(2); ¶MPEP 707.07. Here, the Office Action simply recites the claim language itself and then cites passages from *Puhl, et al.* It is requested that the Patent Office clearly state where in the reference the claim elements are found or otherwise withdraw this rejection.

Secondly, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the cited passages of *Puhl, et al.*, Col. 6, Lines 17-39 and Col. 7, Lines 45-61, do not show these absent elements. Therefore, *Puhl, et al.*, does not teach all elements of Claim 13, and thus cannot anticipate Claim 13.

#### Claim 14

In manner similar to the rejection of Claim 13, the Office Action rejected independent Claim 14 stating that *Puhl, et al.*, disclosed all claim limitations and cited

several portions thereof in support. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*

The Office Action must clearly explain the pertinence of the reference and the specific part of the reference relied upon to reject the claim. 37 C.F.R. §1.104 (c)(2); ¶MPEP 707.07. Here, the Office Action simply recites the claim language itself and then cites passages from *Puhl, et al.* It is requested that the Patent Office clearly state where in the reference the claim elements are found or otherwise withdraw this rejection.

Furthermore, *Puhl, et al.*, does not disclose the step of determining if a license is present for the wireless device to execute the software application, and does not suggest this step as the License Certificate (Col. 3, Lines 1-5) is only a general license, and it would not be necessary or desirable in *Puhl, et al.*, to check for a license at each application execution because the software license was verified at device start-up. The cited passages of *Puhl, et al.*, Col. 6, Lines 17-39 and Col. 7, Lines 45-61, do not otherwise show this absent element. Therefore, *Puhl, et al.*, does not teach all elements of Claim 14, and thus cannot anticipate Claim 14.

#### Claim 17

The Office Action rejected Claim 17 incorporating the rejection articulated for Claim 14, and stated that *Puhl, et al.*, further discloses the step of determining if a license is present for the wireless device can be determining at the application managing server if a license is present at the wireless device. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* As argued above with respect to the patentability of independent Claim 14 from

which Claim 17 depends, *Puhl, et al.*, does not disclose at least the step of determining if a license is present for the wireless device to execute the software application, and accordingly cannot anticipate Claim 17.

#### Claim 22

The Office Action rejected Claim 22 incorporating the rejection articulated for Claim 14, and stated that *Puhl, et al.*, further discloses the step of selectively transmitting a copy of a license for the software application of the wireless device held at the application managing server. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* As argued above with respect to the patentability of independent Claim 14 from which Claim 22 depends, *Puhl, et al.*, does not disclose at least the element of the step of determining if a license is present for the wireless device to execute the software application, and accordingly cannot anticipate Claim 22.

#### Claim 23

The Office Action rejected independent Claim 23 stating that *Puhl, et al.*, disclosed all claim limitations and cited several portions thereof in support. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*

The Office Action must clearly explain the pertinence of the reference and the specific part of the reference relied upon to reject the claim. 37 C.F.R. §1.104 (c)(2); ¶MPEP 707.07. Here, the Office Action simply recites the claim language itself and then cites passages from *Puhl, et al.* It is requested that the Patent Office clearly state

where in the reference the claim elements are found or otherwise withdraw this rejection.

Furthermore, *Puhl, et al.*, does not disclose a licensing determination step for determining if a license is present for the wireless device to execute the software application, and does not suggest this step as the License Certificate (Col. 3, Lines 1-5) is only a general license, and it would not be necessary or desirable in *Puhl, et al.*, to recheck for a license at each application execution because the software license was verified at device start-up. The cited passages of *Puhl, et al.*, Col. 6, Lines 17-39 and Col. 7, Lines 45-61, do not otherwise show this absent element. Therefore, *Puhl, et al.*, does not teach all elements of Claim 23, and thus cannot anticipate Claim 23.

#### Claim 24

The Office Action rejected independent Claim 24 stating that *Puhl, et al.*, disclosed all claim limitations and cited several portions thereof in support. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*

The Office Action must clearly explain the pertinence of the reference and the specific part of the reference relied upon to reject the claim. 37 C.F.R. §1.104 (c)(2); ¶MPEP 707.07. Here, the Office Action simply recites the claim language itself and then cites passages from *Puhl, et al.* It is requested that the Patent Office clearly state where in the reference the claim elements are found or otherwise withdraw this rejection.

Furthermore, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of



the application. The cited passages of *Puhl, et al.*, Col. 6, Lines 17-39 and Col. 7, Lines 45-61, do not otherwise show these absent elements. Therefore, *Puhl, et al.*, does not teach all elements of Claim 24, and thus cannot anticipate Claim 24.

#### Claim 26

The Office Action rejected Claim 26 incorporating the rejection articulated for Claim 24, and stated that *Puhl, et al.*, further discloses that the wireless device stores the license for execution of a specific software application on the wireless device. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* As argued above with respect to the patentability of independent Claim 24 from which Claim 26 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application, and accordingly cannot anticipate Claim 26.

#### Claim 31

The Office Action rejected Claim 31 incorporating the rejection articulated for Claim 24, and stated that *Puhl, et al.*, further discloses that the wireless device is a cellular telephone. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* As argued above with respect to the patentability of independent Claim 24 from which Claim 31 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application, and accordingly cannot anticipate Claim 31.

### Claim 34

The Office Action rejected independent Claim 34 stating that *Puhl, et al.*, disclosed all claim limitations of the computer program steps and cited several portions thereof in support. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*

The Office Action must clearly explain the pertinence of the reference and the specific part of the reference relied upon to reject the claim. 37 C.F.R. §1.104(c)(2); ¶MPEP 707.07. Here, the Office Action simply recites the claim language itself and then cites passages from *Puhl, et al.* It is requested that the Patent Office clearly state where in the reference the claim elements are found or otherwise withdraw this rejection.

Furthermore, *Puhl, et al.*, does not disclose the computer programmed step of determining if a license is present for the wireless device to execute the software application, and does not suggest this step as the License Certificate (Col. 3, Lines 1-5) is only a general license, and it would not be necessary or desirable in *Puhl, et al.*, to recheck for a license at each application execution because the software license was verified at device start-up. The cited passages of *Puhl, et al.*, Col. 6, Lines 17-39 and Col. 7, Lines 45-61, do not otherwise show this absent element. Therefore, *Puhl, et al.*, does not teach all elements of Claim 34, and thus cannot anticipate Claim 34.

### Rejections under 35 U.S.C. §103

The Office Action rejected Claims 2, 15, 16 and 25 under 35 U.S.C §103(a) as being unpatentable over *Puhl, et al.*, in view of *Byrne*, US Patent No. 6,223,288.

Applicants traverse this ground of rejection and request reconsideration thereof.

## Claim 2

The Office Action rejected Claim 2 incorporating the rejection articulated for Claim 1, and stated that while *Puhl, et al.*, does not disclose that upon an attempted execution of a software application for which a license is not present, prompts the user of the wireless device to obtain the requisite license for execution of the software application, *Byrne* discloses this element in its Abstract. It was then concluded that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to prompt a user for a license upon attempted execution of software. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* and *Byrne*.

As argued above with respect to the patentability of independent Claim 1 from which Claims 2 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the Abstract of *Byrne* does not show these absent elements. To establish a case of obviousness, the references must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶706.02(j). The combination of *Puhl, et al.*, and *Byrne* does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claim 2, and accordingly, Claim 2 is not unpatentable in view thereof.

## Claim 15

The Office Action rejected Claim 15 incorporating the rejection articulated for Claim 14, and stated that while *Puhl, et al.*, does not disclose, that upon the attempted

execution of a software application for which a license is not present, prompting the use of the wireless device to obtain the requisite license for the software application, *Byrne* discloses this element in its Abstract. It was then concluded that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to prompt a user for a license upon attempted execution of software. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* and *Byrne*.

As argued above with respect to the patentability of independent Claim 14 from which Claims 15 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the Abstract of *Byrne* does not show these absent elements. To establish a case of obviousness, the references must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶706.02(j). The combination of *Puhl, et al.*, and *Byrne* does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claim 15, and accordingly, Claim 15 is not unpatentable in view thereof.

#### Claim 16

The Office Action rejected Claim 16 incorporating the rejection articulated for Claim 14, and stated that while *Puhl, et al.*, does not disclose that the step of determining if a license is present is made at the wireless device, *Byrne* discloses this step. It was then concluded that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the determination made at the

device if a license is present for the device to execute the application. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* and *Byrne*.

As argued above with respect to the patentability of independent Claim 14 from which Claims 16 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the cited passage of *Byrne* (Col. 3, Lines 35-51) does not show these absent elements, or that the determination of a license is made at the remote device as contended. Rather, *Byrne* states that the user is informed that a license key is required to install the program and "a license key request is sent to the vendor website." Col. 4, Lines 5-14. "Once the license key is received at the consumer computer 12 (block 78), the installation program 38 decrypted (Block 80)." Col. 4, Lines 15-18. The transmission of the license key in *Byrne* is integral with the installation of the program, and no "determination" is made as to whether the key is present because it is not present before the installation process occurs.

To establish a case of obviousness, the references must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶706.02(j). The combination of *Puhl, et al.*, and *Byrne* does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claim 16. Moreover, *Byrne* does not disclose or suggest the step of determination made at the device if a license is present for the device to execute the application as asserted in the Office Action. Accordingly, Claim 16 is not unpatentable over *Puhl, et al.*, in view of *Byrne*.

### Claim 25

The Office Action rejected Claim 25 incorporating the rejection articulated for Claim 24, and stated that while *Puhl, et al.*, does not disclose, that upon the attempted execution of a software application for which a license is not present, prompting the use of the wireless device to obtain the requisite license for the software application, *Byrne* discloses this element in its Abstract. It was then concluded that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to prompt a user for a license upon attempted execution of software. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.* and *Byrne*.

As argued above with respect to the patentability of independent Claim 24 from which Claims 25 depends, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the Abstract of *Byrne* does not show these absent elements. To establish a case of obviousness, the references must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶706.02(j). The combination of *Puhl, et al.*, and *Byrne* does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claim 25, and accordingly, Claim 25 is not unpatentable in view thereof.

Claims 6-9, 11, 12, 18-21, 27-30, 32 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Puhl, et al.*, in view of an Examiner's Official Notice.

Applicants traverse this ground of rejection and the Official Notice and request reconsideration thereof.

Claims 6-9

The Office Action rejected Claims 6-9 incorporating the rejection articulated for Claim 1, and stated that *Puhl, et al.*, suggests finite duration licenses but does not do so with detail, and then takes Official Notice that it was known the art at the time the invention was made to issue licenses of a finite duration to expire on a fixed date, expires after a predetermined number of executions of the application, expires after the elapse of a predetermined duration since the application was downloaded to the device, and expires after the elapse of predetermined duration of usage of the software application. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*, and the Official Notice regarding finite licenses.

As argued above with respect to the patentability of independent Claim 1 from which Claims 6-9 depend, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. *Puhl, et al.*, does not show these absent elements, but rather shows the wireless device requesting new License Certificates, which are not disclosed or suggested to be per-execution licenses.

Regarding the Official Notice, no documentary support has been given to show why one of skill in the art would make a license of a finite duration for execution of the applications other than the statement in the Office Action of the "significant advantage" which is provided from the present invention. It is improper to use the present application as the motivation to provide finite licenses. See MPEP ¶2145. Pursuant to

MPEP ¶2144.03, Applicant traverses the assertion of the Official Notice and requests the production of documentary evidence to support the contentions of the Official Notice should it be maintained.

To establish a case of obviousness, the reference and Office Notice must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶¶706.02(j); 2143.01. The combination of *Puhl, et al.*, with the Official Notice does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claims 6-9. Accordingly, Claims 6-9 are not unpatentable over *Puhl, et al.*, in view of the Official Notice.

#### Claims 11-12

The Office Action rejected Claims 11-12 incorporating the rejection articulated for Claim 1, and stated that *Puhl, et al.*, suggests that the client device is a wireless device, and then takes Official Notice that it was known the art at the time the invention was made that a personal digital assistant (PDA) and pager can be a wireless device. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*, and the Official Notice.

As argued above with respect to the patentability of independent Claim 1 from which Claims 11-12 depend, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. Further, the Official Notice, even if assumed to be correct, does not provide these absent elements to the suggested modification of *Puhl, et al.*



To establish a case of obviousness, *Puhl, et al.*, and Office Notice must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶¶706.02(j); 2143.01. However, the combination of *Puhl, et al.*, with the Official Notice does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claims 11-12, and accordingly, Claims 11-12 are not unpatentable over *Puhl, et al.*, in view of the Official Notice.

#### Claims 18-21

The Office Action rejected Claims 18-21 incorporating the rejection articulated for Claim 14, and stated that *Puhl, et al.*, suggests finite duration licenses but does not do so with detail, and then takes Official Notice that it was known the art at the time the invention was made to issue licenses of a finite duration with various expiration methods. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*, and the Official Notice regarding finite licenses.

As argued above with respect to the patentability of independent Claim 14 from which Claims 18-21 depend, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. *Puhl, et al.* does not show these absent elements, but rather shows the wireless device requesting new License Certificates, which are not disclosed or suggested to be per-execution licenses. And as argued above with respect to the patentability of Claims 6-9, no documentary support has been given to show why one of skill in the art would make a license of a finite duration for execution of the applications other than the advantage provided from the present invention and Applicant

again traverses the assertion of the Official Notice and requests the production of documentary evidence to support the contentions of the Official Notice should it be maintained.

To establish a case of obviousness, the reference and Office Notice must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶¶706.02(j); 2143.01. The combination of *Puhl, et al.*, with the Official Notice does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claims 18-21. Accordingly, Claims 18-21 are not unpatentable over *Puhl, et al.*, in view of the Official Notice.

#### Claims 27-30

The Office Action rejected Claims 27-30 incorporating the rejection articulated for Claim 24, and stated that *Puhl, et al.*, suggests finite duration licenses but does not do so with detail, and then takes Official Notice that it was known the art at the time the invention was made to issue licenses of a finite duration with various expiration methods. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*, and the Official Notice regarding finite licenses.

As argued above with respect to the patentability of independent Claim 24 from which Claims 27-30 depend, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each execution of the application. *Puhl, et al.* does not show these absent elements, but rather shows the wireless device requesting new License Certificates, which are not disclosed or suggested to be per-execution licenses. And as argued above with respect

to the patentability of Claims 6-9, no documentary support has been given to show why one of skill in the art would make a license of a finite duration for execution of the applications other than the advantage provided from the present invention and Applicant again traverses the assertion of the Official Notice and requests the production of documentary evidence to support the contentions of the Official Notice should it be maintained.

To establish a case of obviousness, *Puhl, et al.*, and Office Notice must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶¶706.02(j); 2143.01. The combination of *Puhl, et al.*, with the Official Notice does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claims 27-30. Accordingly, Claims 27-30 are not unpatentable over *Puhl, et al.*, in view of the Official Notice.

#### Claim 32-33

The Office Action rejected Claims 32-33 incorporating the rejection articulated for Claim 24, and stated that *Puhl, et al.*, suggests that the client device is a wireless device, and then takes Official Notice that it was known the art at the time the invention was made that a personal digital assistant (PDA) and pager can be a wireless device. Applicants respectfully traverse this ground of rejection and the statements regarding the disclosure of *Puhl, et al.*, and the Official Notice.

As argued above with respect to the patentability of independent Claim 24 from which Claims 32-33 depend, *Puhl, et al.*, does not disclose the elements of a license required for each software application execution or the checking of the license at each

execution of the application. Further, the Official Notice, even if assumed to be correct, does not provide these absent elements to the suggested modification of *Puhl, et al.*

To establish a case of obviousness, the reference and Office Notice must teach or suggest all of the claim limitations of the rejected claim. MPEP ¶¶706.02(j); 2143.01. The combination of *Puhl, et al.*, with the Official Notice does not teach at least the elements of a license required for each software application execution or the checking of the license at each execution of the application as claimed in Claims 32-33, and accordingly, Claims 32-33 are not unpatentable over *Puhl, et al.*, in view of the Official Notice.

#### Prior Art Made of Record

Applicants have reviewed the prior art made of record in the Office Action and not relied upon to reject any claim. Applicants are in agreement with the Examiner that the references are pertinent to Applicants' disclosure but do not anticipate or render obvious, either individually or in combination, any pending claim of the application.

## CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that Claims 1-34 are in condition for allowance and notification to that effect is earnestly solicited. If necessary, the Examiner is invited to telephone Applicants' attorney at (858) 651-4361 to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 17-0026.

Respectfully submitted,

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